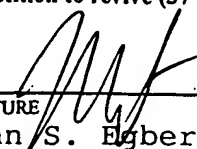


FORM PTO-1390 (REV. 10-2003)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER 1746-16	
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371					
INTERNATIONAL APPLICATION NO. PCT/EP2003/012140		INTERNATIONAL FILING DATE 31 Oct 2003		PRIORITY DATE CLAIMED 31 Oct 2002	
TITLE OF INVENTION DEVICE AND METHOD FOR TEMPERING AND HUMIDIFYING GAS, ESPECIALLY RESPIRATORY AIR					
APPLICANT(S) FOR DO/EO/US GRUNDLER, Christoph; GRUNDLER, Markus; HEINE, Daniel					
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:					
<p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))</p> <p>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p>a. <input checked="" type="checkbox"/> is attached hereto.</p> <p>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <p>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input type="checkbox"/> have been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p>d. <input type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p>Items 11 to 20 below concern document(s) or information included:</p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. (will follow)</p> <p>13. <input checked="" type="checkbox"/> A preliminary amendment.</p> <p>14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> <p>20. <input type="checkbox"/> Other items or information:</p>					

U.S. APPLICATION NO. 10/531058 INTERNATIONAL APPLICATION NO. PCT/EP2003/012140		ATTORNEY'S DOCKET NUMBER 1746-16	
21. <input checked="" type="checkbox"/> The following fees are submitted: See also Fee BASIC NATIONAL FEE (37 CFR 1.492 (a) (1)-(5)): Transmittal for Neither international preliminary examination fee (37 CFR 1.482) FY2005 nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO..... \$1080.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$920.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$770.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$730.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00 ENTER APPROPRIATE BASIC FEE AMOUNT =		CALCULATIONS PTO USE ONLY	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).		\$ 1000	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	- 20 =		x \$18.00
Independent claims	- 3 =		x \$86.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$290.00
TOTAL OF ABOVE CALCULATIONS =		\$ 1000	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.		\$ 500	
SUBTOTAL =		\$ 500	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).		\$	
TOTAL NATIONAL FEE =		\$ 500	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +		\$	
TOTAL FEES ENCLOSED =		\$ 500	
		Amount to be refunded:	\$
		charged:	\$
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 080879. A duplicate copy of this sheet is enclosed. d. <input checked="" type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.			
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.			
SEND ALL CORRESPONDENCE TO: Customer No. 24106 Harrison & Egbert 412 Main St., 7th Floor Houston, Texas 77002 US			
		SIGNATURE 	
		NAME John S. Egbert	
		NAME 30627	
		REGISTRATION NUMBER	

JC13 PCT/PTO

10/531058
12 APR 2009

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL
for FY 2005

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)
500**Complete if Known**

Application Number PCT/EP2003/012140

Filing Date 31 Oct 2003

First Named Inventor GRUNDLER, Christoph et al

Examiner Name

Art Unit

Attorney Docket No. 1746-16

METHOD OF PAYMENT (check all that apply)☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit Account Number
08-0879

Deposit Account Name

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1011 300	1011 150	Utility filing fee	
1012 200	1012 100	Design filing fee	
1013 200	1013 100	Plant filing fee	
1014 300	1014 150	Reissue filing fee	
1005 200	2005 100	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES****Large Entity/Small Entity**

Fee Code	Fee (\$)	Fee Description	Fee Paid
1111/2111	500.00/250.00	Utility Search Fee	
1112/2112	100.00/50.00	Design Search Fee	
1113/2113	300.00/150.00	Plant Search Fee	
1114/2114	500.00/250.00	Reissue Search Fee	
1311/2311	200.00/100.00	Utility Examination Fee	
1312/2312	130.00/65.00	Design Examination Fee	
1313/2313	160.00/80.00	Plant Examination Fee	
1314/2314	600.00/300.00	Reissue Examination Fee	
1201/2201	200.00/100.00	Independent claims in excess of three	
1202/2202	50.00/25.00	Claims in excess of twenty	
1051/2051	130.00/65.00	Surcharge-Late filing fee oath/declaration	
1251/2251	120.00/60.00	Extension for response within first month	
1252/2252	450.00/225.00	Extension for response within second month	
1253/2253	1,020.00/510.00	Extension for response within third month	
1462	400.00	Petitions to the Director (Group I)	
1463	200.00	Petitions to the Director (Group II)	
1464	130.00	Petitions to the Director (Group III)	
1452/2452	500.00/250.00	Petition to revive unavoidably abandoned	
1453/2453	1,500.00/750.00	Petition to revive unintentionally abandoned	
1631/2631	300.00/150.00	Basic National Stage Fee	150
1632/2632	500.00/250.00	National Stage Search Fee	250
1633/2633	200.00/100.00	National Stage Examination Fee	100
1614/2614	200.00/100.00	Claims - extra independent (over three)	
1615/2615	50.00/25.00	Claims - extra total (over twenty)	
1616/2616	360.00/180.00	Claims - multiple dependent	
1617/2617	130.00/65.00	Oath/declaration after 30 mos from priority	
1618	130.00	English trans. after 30 mos from priority	

1501 1,330	2501 665	Utility issue fee (or reissue)
1502 480	2502 240	Design issue fee
1503 640	2503 320	Plant issue fee
1460 130	1460 130	Petitions to the Commissioner
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)
1806 180	1806 180	Submission of Information Disclosure Stmt
8021 40	8021 40	Recording each patent assignment per property (times number of properties)
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))
1801 770	2801 385	Request for Continued Examination (RCE)
1802 900	1802 900	Request for expedited examination of a design application

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)
500**SUBMITTED BY**

Name (Print/Type)	John S. Egbert	Registration No.	30627	(Complete if applicable)
Signature		Attorney/Agent		Telephone 713224-8080
		Date	APR 12 2005	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

EXPRESS MAIL CERTIFICATE

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

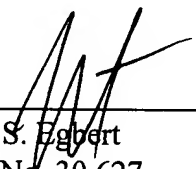
Sir:

"Express Mail" Label Number: **EV506293875US**
Date of Deposit: **APR 12 2005**

I hereby certify that the attached document with the corresponding Express Mail label number is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is address to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Respectfully submitted,

APR 12 2005
Date



John S. Egbert
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